

III. REMARKS

Claims 1,2,5-7,18,20-25, 27 and 28 are rejected under 35USC103(a) based on the combined teaching of the reference Guilford et al, US Patent No. 7433929(Gui) and the cited reference Sugirtharaj, U.S. Patent No. 6678526(Sug). The reference Guilford is also cited as the primary reference in the separate rejections of claims 3 and 19, 8 and 9, and 10 and 11. This rejection is traversed on the following grounds:

The combined teaching based on the reference Guilford fails to support the rejection because Guilford is not an effective reference. The priority date of the subject application is December 29, 2000. The effective filing date for the reference Guilford is also December 29, 2000. According to 35USC102(e), in order to be an effective reference the invention must be described in..... (1) an application for patent, published under section 122(b) [35 USC 122(b)], by another filed in the United States **before** the invention by the applicant for patent".


The combined reference therefore fails to support the rejection based on obviousness as Guilford was not filed before the filing of the subject application.

This request should be granted as the citation of Guilford was an oversight by the examiner which was not discovered by Applicant until now.

It is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Date

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